

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

RECEIVED

2007 MAY -1 A 9: 31

George D. McCarley  
Plaintiff

v.

Household Finance Corporation III  
Defendant

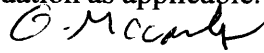
Civil Action No. 3:06-CV-0091-MEF  
Lead Case<sup>1</sup>

U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA.

SUBMISSION OF AUTHENTICATED EVIDENCE and AFFIDAVIT IN SUPPORT

The attached Evidence (per Federal Rules of Evidence) and affidavit in support may be considered one of the principal evidence elements as well as a primary exhibit to be utilized at trial. In addition, Randolph Probate Judge George Diamond has agreed to serve as Expert Witness in the above styled matter for purposes of Legal Paper recordation as applicable.

Respectfully submitted

  
George D. McCarley, Pro Se  
216B Chestnut Street  
Roanoke, Al 36274  
334-863-6489

PROOF OF SERVICE

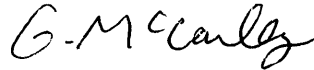
I, George D. McCarley, do swear or affirm that on this date, April 31, 2007, as required by Supreme Court Rule 29 I have served the enclosed ACTION on each party to the above proceeding or that party's counsel, by depositing envelope containing the above documents in the United States Mail properly addressed to each of them, and with first class postage prepaid, or by delivery to a third party commercial carrier for delivery within 3 calendar days.

The Clerk  
Middle District of Alabama, Eastern Division  
One Church Street, PO Box 711  
Montgomery, Al 36101-0711  
334-954-3600

Defendant Attorney  
Mr. George Parker  
Bradley Arant Rose and White  
Alabama Center for Commerce  
401 Adams Avenue, Suite 780  
Montgomery, Al 36104  
334-956-7671, 956-7700

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 31, 2007

  
George D. McCarley

<sup>1</sup> The consolidated case found at 3:06 cv 00091 (lead case) includes Household Finance Corporation, III (00093), HSBC-Gr. Corp. (00102), HSBC Mortgage Services, Inc. (00104), HSBC Finance Corporation (00101), and, Household International, Inc. (00103).



*George Diamond*  
*Judge of Probate, Randolph County*  
P.O. Box 249 - Wedowee, Alabama 36278  
256-357-4933 (Phone)  

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256-357-9053 (Fax)




AFFIDAVIT

I make the following statement under oath:

My name is George Diamond. I am the Probate Judge of Randolph County, Alabama. Included in the duties of my office is the responsibility to record, maintain and retrieve certain documents, such the one certified and attached to this affidavit.

Done this 23<sup>rd</sup> day of April, 2007.

  
George Diamond

STATE OF ALABAMA  
RANDOLPH COUNTY

Before me, the undersigned, a Notary Public in and for said State and County, appeared George Diamond, known to me and whose name is subscribed in the foregoing instrument.

Witness my hand this 23<sup>rd</sup> day of April, 2007.

  
Notary Public

MORT 430 550  
 Recorded In Above Book and Page  
 07/10/2002 01:02:28 PM  
 Mack Diamond  
 Probate Judge  
 Randolph County, Alabama

When Recorded, Mail and Return To:  
 Household Mortgage Services  
 577 Lamont Rd.  
 P.O. Box 1247  
 Elmhurst, IL 60126

Recording Fee 16.00  
 TOTAL 16.00

2935534

# ASSIGNMENT OF SECURITY INSTRUMENT

Date: 5-1-2000

Owner and Holder of Security Instrument (Holder):  
 HOMESENSE FINANCIAL CORP. OF ALABAMA, which is organized and existing under the laws of  
 the State of South Carolina.

Assignee: \*

Security Instrument is described as follows:

Date: 5-1-2000

Original Amount: 26,400.00

Borrower: George McCarter

Lender: HomeSense Financial Corp.

Mortgage Recorded or filed on: 5-1-2000

In Book, Page: 403/122

Of the Office Records in the County Recorder's/Clerk's Office of: Randolph

\* Mortgage Electronic Registration Systems, Inc., its successors and  
 assigns, as nominee for Household Finance Corporation, its  
 successors and assigns, 64318 Miller Rd., P.O. Box 2026,  
 Flint, MI 48501-2026

Property (including any improvements) Subject to Lien:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

For value received, Holder sells, transfers, assigns, grants and conveys the Security Instrument and the  
 Note described therein, all of Holder's rights, titles and interests in the Security Instrument and Note, and  
 all of Holder's title and interest in the Property to Assignee and Assignee's successors and assigns, forever.

When the context requires, singular nouns and pronouns include the plural.

IN WITNESS WHEREOF, Holder has caused these presents to be signed by its duly authorized officer(s)  
 and to attested and sealed with the Seal of the Corporation, as may be required.

(Seal) HOMESENSE FINANCIAL CORP. OF ALABAMA

By Beth Miller  
 Beth Miller, Vice President

STATE OF SOUTH CAROLINA)

)SS:

COUNTY OF LEXINGTON )

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally  
 appeared Beth Miller, known to me to be the person and officer whose name is subscribed in the foregoing  
 instrument and acknowledged to me that the same was the act of said HOMESENSE FINANCIAL CORP.  
 OF ALABAMA which is organized and existing under the laws of the State of South Carolina, and that he  
 executed the same as the act of such entity for the purposes and consideration therein expressed, and in the  
 capacity therein stated.

Witness, my hand and Notaries Seal this 1 day of May, 2000.

Notary Public

My Commission Expires: 4-20-04

MERS #: 1000480-000

2935534 8

PREPARED BY:  
 SHEILA REHMAN  
 577 LAMONT RD.  
 ELMHURST, IL 60126

# 293534

**Fidelity National Title  
Insurance Company of New York**

H0RT 430 551

Commitment Number: 201750

File No.: 201750

**Exhibit "A"  
Legal Description**

State of Alabama  
Randolph County

A lot of land in the City of Roanoke, Alabama, particularly described as follows: Lot No. 4 in Block d, according to map of David Manley's estate, made by C. R. Pittman, County Surveyor, dated April 3, 1916, said lot fronting on the east side of Chestnut Street a distance of 68 feet and extending back 210 feet on the north line and 213 feet on the south line and being 42 feet wide on the east or back end; and also, a strip off the former W. H. McMurray lot, adjoining said lot No. 4 on the south side, said strip being 11 1/2 feet from on the east side of Chestnut Street, extending back 213 feet on the north line and 215 feet on the south line and being 8 feet wide on the east or back end, together with all improvements thereon. This being the same property as described in Deed Book 120, Page 219, Office of the Judge of Probate, Randolph County, Alabama.

Property Address:  
211 Chestnut St.  
Roanoke, Alabama 36274

Schedule A  
Form FT-T-11A  
ALTA Commitment - 1966

Valid only if Schedule B and cover (FT-T-10A) are attached  
Schedule A of this Commitment consists of 2 page(s)

STATE OF ALABAMA, RANDOLPH COUNTY.

I, George Diamond, Judge of Probate in and for said State and County, hereby certify under my hand and official seal of office that the within and foregoing is a true and correct copy of instrument as same appears of record in this office, recorded

in Mortgage Record 430, page 550  
Given under my hand and seal this 23<sup>rd</sup> day of April, 2007.  
George Diamond Judge of Probate